

23969-P001US



In re Application of:
Brian Doege et al.

For: A METHOD FOR BACTERIALLY
TREATING SMALL-TANK TOILET
SYSTEMS AND AN APPARATUS FOR
USING SAME

Atty Dkt: 23969-P001US

RECEIVED

SEP 04 2003

TC 1700

PATENT

Serial No: 09/723,549

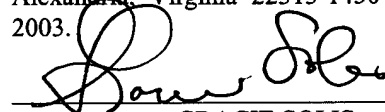
Filed: November 27, 2000

Group Art Unit: 1724

Examiner: Chester T. Barry
703.306.5921

CERTIFICATE UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence (along with any item referred as being enclosed herewith) is being deposited with the U.S. Postal Service as first class mail with sufficient postage in an enveloped addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 28, 2003.


GRACIE SOLIS

**REQUEST FOR REINSTATEMENT OF APPEAL
UNDER 37 C.F.R. § 1.193(b)(2)(ii)**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed 2 June 2003 (Paper No. 16) reopening prosecution of the above referenced Application, the Applicants respectfully request reinstatement of the Appeal.

A supplemental appeal brief is filed herewith. MPEP §1208.2. Applicants note that in Paper No. 16, Examiner (1) withdrew his prior rejections of Claims 3-5, 8-20, 27-28, 39 and 42-48; (2) rejected Claims 3-5, 8-10, 14, 17-18, 39, 42-44, and 46 on a different basis under 35 U.S.C. § 103(a); (3) rejected Claims 43-48 under 35 U.S.C. § 112, ¶ 2; (4) allowed Claims 27-


28; and (5) objected to Claims 11-13, 15-16, 19-20 and indicated these would be allowed if they were rewritten so that they do not depend from rejected independent claims. Paper No. 16, at 1-7. Normally, Applicants would amend the objected to claims so as to put them in condition for allowance during the appeal. However, Applicants are not afforded the opportunity to do so at this time. MPEP §1208.2.

Applicants notes, however, that they will have the opportunity to amend the objected to claims after Examiner's Answer. To narrow the issues on appeal, Applicants intend to do so at that time.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicants

By: 

Ross Spencer Garsson

Reg. No. 38,150

5400 Renaissance Tower

1201 Elm Street

Dallas, Texas 75270-2199

(512) 370-2870